

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LMREC III NOTE HOLDER, INC

Plaintiff,

20-cv-05063 (KMK)(PED)

-against-

**ORDER FOR PAYMENT
OF FEES TO RECEIVER
AND TO COUNSEL FOR
RECEIVER FOR OCTOBER
2022**

HUDSON EFT LLC, GUIDO SUBOTOVSKY,
SAMUEL GACCIONE, HUGO SUBOTOVSKY,
WILLIAM CLARKE, NOBLE ELEVATOR
COMPANY, INC., SHAWN'S LAWN, INC., VSP
MECHANICAL, INC., GEBERTH ELECTRIC, INC.,
GAC BUILDERS LTD., BRIDGE MECHANICAL
CORPORATION, UPPER RESTORATION, INC.,
AND JOHN DOE #1 THROUGH JOHN DOE #10,

Defendants.

WHEREAS, pursuant to paragraph 4(y) of the Order Appointing Receiver dated August 21, 2020, Receiver Andrew L. Herz rendered services for the month of October 2022 in the amount of \$3,055.00 which payment was approved by Plaintiff in the attached writing dated November 16, 2022 (Ex. A); and

WHEREAS, pursuant to the Order Appointing Kim Berg as Counsel to Receiver dated September 9, 2020, Counsel to Receiver rendered services during the month of October 2022 in the amount of \$1,918.94 which payment was approved by Plaintiff in the attached writing dated November 16, 2022 (Ex. B); and

WHEREAS, Receiver and Counsel to Receiver now seek Court approval of the interim payments to Receiver and to Counsel as described herein.

IT IS THEREFORE ORDERED that the interim disbursements to Receiver Andrew L. Herz in the amount of \$3,055.00 and to Counsel for Receiver in the amount of \$1,918.94 are hereby approved. SO ORDERED.

Dated: November 28, 2022
White Plains, New York



KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE

Exhibit A

Andrew L. Herz
Receiver Time
Oct. 1– 31, 2022

10/2 Sunday	.30	Review site inspections
10/3 Monday	.40	Correspondence re : Hillmann
10/10 Monday	.20	Correspondence ready planning for 10/13
10/13 Thursday	.30	Correspondence red bill payment to Hillmann
10/17 Monday	.50	Correspondence with Mr. Mehring and Ms. Camardella
10/19 Wednesday	.90	Miscellaneous correspondence including relating to bill payments, insurance payment notices from Con Ed
10/20 Thursday	.40	Review Sobolof submission
10/24 Monday	.30	Correspondence relating to planning board
10/25 Tuesday	.30	Correspondence Re: site visit and planning board
10/27 Thursday	.40	Review Bank Balances
10/28 Friday	.50	Correspondence relating to planning board input
10/31 Monday	.20	Correspondence with Mr. Mehring
Total	4.7	\$3,055

Re: Subject: 80 Main Street/ Receiver Time Oct.

From: Mehring, Luke (luke.mehring@lasalle.com)

To: gouldberglawinfo@yahoo.com

Cc: alherz@pbwt.com; kberg@gouldberglaw.com

Date: Wednesday, November 16, 2022 at 11:47 PM EST

I approve

Sent from my iPhone

On Nov 16, 2022, at 10:47 AM, Christine Camardella <gouldberglawinfo@yahoo.com> wrote:

Caution: Message from external sender

Hi Mr. Mehring,

Please approve

Christine Camardella
Gould & Berg, LLP

222 Bloomingdale Road, Suite 304
White Plains, New York 10605
Phone: 914-397-1050
Fax: 914-397-1051
e-mail: gouldberglawinfo@yahoo.com

www.gouldberglaw.com

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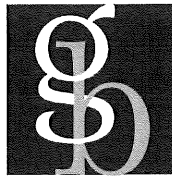
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Exhibit B



GOULD & BERG, LLP

attorneys at law

222 Bloomingdale Road
White Plains, New York 10605
(914) 397-1050
gouldberglawinfo@yahoo.com

Statement Date: November 8, 2022

Statement No. 2

Account No. 5168.20

Page: 1

Mr. Andrew Herz, Receiver
33 Cushman Road
White Plains, NY 10606

RE: Counsel to Receiver

Counsel to Receiver

INTERIM STATEMENT

		HOURS	
10/03/2022	review emails print correspondence; reply to Mr. Herz; print crack monitoring reports; file	0.75	67.50
10/06/2022	review emails, print correspondence and attachments	0.10	9.00
10/07/2022	Telephone call to Niell Hirani, Draft email to Mr. Herz; Balance TD Bank Statement; gather documents for September portion of Quarterly Report	1.30	117.00
10/11/2022	Review email correspondence, print attachments	0.20	18.00
10/12/2022	Review email correspondence, print attachments; file	0.20	18.00
	Telephone conference with Mr. Benavides of Hirani re proposal PT22-0290	0.30	27.00
10/13/2022	Preparation of proposed order for Receiver and Counsel fees for September 2022	0.30	150.00
	draft quarterly report for 2nd quarter 2022; review bank statements, checks and bills;		
	review/modify Exhibits A, B, C; draft email to client	1.50	750.00
	Review email correspondence; reply to Mr. Herz re Insurance; draft email to Brittany at NorthMarq; review response; prepare monthly insurance payment; federal express; prepare checks to Hillmann, Mr. Herz & Gould & Berg; draft email to Mr. Mehring re Sept. approval for fees;	0.70	63.00
	Draft email to parties re Payment to Hillmann	0.10	9.00
10/17/2022	review email from Luke Mehring, revise order for Sept fees	0.10	50.00
	meet with client; draft email to counsel for plaintiff with quarterly report (Q3)	0.20	100.00

To ensure proper credit, please include account number and statement date on remittance checks. Thank you.

Counsel to Receiver
 Counsel to Receiver

		HOURS	
	Gather document for Exhibits re proposed order for fees; File with the Court proposed order; meet with Mr. Herz	0.60	54.00
10/18/2022	Review emails, print correspondence and attachments; meet with Mr. Herz	0.30	27.00
	Prepare check for Mr. Herz re receiver fees	0.10	9.00
10/19/2022	draft email to parties re June Fees; draft email to Parties re NorthMarq	0.20	18.00
	Prepare checks for Con Edison and Verizon	0.20	18.00
10/20/2022	Prepare check payment for Adam Sobolof; draft email to parties; mail	0.20	18.00
10/21/2022	review email correspondence	0.10	9.00
10/24/2022	Review emails, print correspondence and attachments; file	0.20	18.00
10/26/2022	Print email conference with correspondence re Sobolof	0.10	9.00
10/27/2022	Review email correspondence, print attachments, draft response; prepare payment to FNA re: wall Calculations; telephone call with Mr. Herz; mail; filing	0.50	45.00
10/28/2022	review judgments (default and summary); review appt of receiver and counsel re: final reports that will be needed and approval of fees; draft email to client	0.40	200.00
	Review email correspondence	0.10	9.00
		8.75	1,812.50

RECAPITULATION

Attorney	Hours	Hourly Rate	Total
Kim P. Berg	2.50	\$500.00	\$1,250.00
Christine Camardella	6.25	90.00	562.50

10/03/2022	photocopies 254 x .10	24.50
10/03/2022	Overnight mail charges -FedEx- 1209	25.17
10/13/2022	Overnight mail- FedEx - 5577	24.72
10/13/2022	Postage	0.57
10/21/2022	Postage	1.14
10/21/2022	Postage	0.57
10/27/2022	Postage	0.57
10/31/2022	Photocopies 292 x .10	29.20
	TOTAL EXPENSES	106.44
	TOTAL CURRENT WORK	1,918.94
	BALANCE DUE	<u>\$1,918.94</u>

PLEASE INDICATE FILE NO. ON REMITTANCE - THANK YOU

Re: Subject: 80 Main Street/ Counsel to Receiver -Oct.

From: Mehring, Luke (luke.mehring@lasalle.com)

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I approve

Sent from my iPhone

On Nov 16, 2022, at 10:50 AM, Christine Camardella <gouldberglawinfo@yahoo.com> wrote:

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Please approve

Thank you,
Christine Camardella
Gould & Berg, LLP

222 Bloomingdale Road, Suite 304
White Plains, New York 10605
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e-mail: gouldberglawinfo@yahoo.com

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